

AN ORDINANCE approving the awarding of Reference #997 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and BROOKS CONSTRUCTION CO., INC. for the Water Maintenance & Service Department.

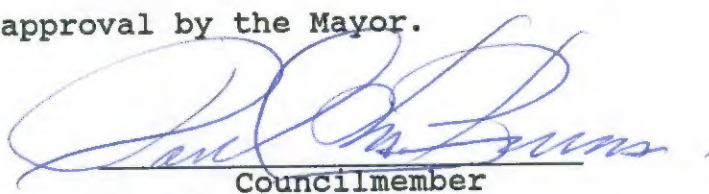
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #997 between the City of Fort Wayne, by and through its Department of Purchasing and BROOKS CONSTRUCTION CO., INC. for the Water Maintenance & Service Department, respectfully for:

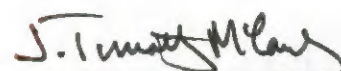
the 1991 purchase of binder and surface topping for the Water Maintenance & Service Department;

involving a total cost of Ten Thousand and no/100 Dollars+/- (\$10,000.00+/-), all as more particularly set forth in said Reference #997 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

REF. NO.:	997
DEPT.:	WATER MAINTENANCE
DATE:	2/18/91
ITEM/SERV.:	BINDER/SURFACE TOPPING

PURCHASING INFORMATION

ADVERTISED BID:	YES
DATES ADVERTISED:	1/7/91 & 1/14/91
OPENING DATE:	1/31/91
WRITTEN QUOTE:	
DUE DATE:	
VERBAL QUOTE:	
SINGLE SOURCE:	

NO. OF VENDORS NOTIFIED:	14
NO. OF VENDORS RECEIVING BID:	4
NO. OF VENDORS RETURNING BID:	3
NO. OF VENDORS DISQUALIFIED:	0
NO. OF VENDORS NOT RESPONDING:	11

DATE SENT TO DEPT FOR RECOMM.:	1/31/91
DATE RECOMMENDATION REC'D IN PURCH:	2/14/91

COUNCIL INFORMATION	DATES SENT	EXTENSION DATES
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DATE INFO SENT TO LAW DEPT.:	2/19/91
INTRODUCTION DATE:	2/26/91
DISCUSSION DATE:	3/5/91
PASSAGE DATE:	3/12/91
ORDINANCE NO.:	

REFERENCE NO. 997
BINDER & SURFACE TOP
WATER MAINTENANCE
2/6/91

DESCRIPTION	STONECO	BROOKS CONSTR	WAYNE ASPHALT
#5 BASE BINDER	\$18.10	\$16.00	\$17.00
#9 BINDER	\$18.45	\$16.50	\$18.00
B MIX TOPPING	\$19.60	\$17.50	\$20.50
12 SURFACE TOP	\$21.10	\$18.00	\$20.50

FRONT PAGE/INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
PHONE 219-427-1101

BID OPENING DATE 1-31-91 @ 11:00 AM BID REFERENCE # 997

SEALED BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A.M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS & SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER".

THIS INVITATION FOR BID IS FOR BINDER & SURFACE TOPPING
PER SPECIFICATIONS

AND REQUESTED BY WATER MAINTENANCE & SERVICE

THIS BID REQUIRES A XXXXX \$500.00 BID BOND, CERTIFIED OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A _____ 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: _____%
IF PAID WITHIN _____ DAYS.

THIS INVITATION IS ISSUED TO ESTABLISH A CONTRACT TO SUPPLY THE CITY OF FORT WAYNE WITH A COMMODITY OR SERVICE IN ACCORDANCE WITH ACCOMPANYING SPECIFICATIONS.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME Brooks Construction Co., Inc.

STREET ADDRESS 6525 Ardmore Avenue, PO BOX 9560

CITY Fort Wayne PHONE # 478-1990

BY 
REPRESENTATIVE SIGNATURE

Fidelity and Deposit Company

HOME OFFICE

OF MARYLAND

BALTIMORE, MD. 21203

BID BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, BROOKS CONSTRUCTION COMPANY, INC.

....., as Principal, (hereinafter called the "Principal"), and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, of Baltimore, Maryland, a corporation duly organized under the laws of the State of Maryland, as Surety, (hereinafter called the "Surety"), are held and firmly bound unto CITY OF FORT WAYNE, DEPARTMENT OF PURCHASING

.....as Obligee, (hereinafter called the "Obligee"), in the sum of FIVE HUNDRED AND 00/100----- Dollars (\$ 500.00), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for BINDER AND SURFACE TOPPING
PER SPECIFICATIONS.

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a contract with the Obligee in accordance with the terms of such bid and give such bond or bonds as may be specified in the bidding or contract documents with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter into such contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 31ST day of JANUARY A.D. 19 91

BROOKS CONSTRUCTION COMPANY, INC.

Sona R Boardman
Witness

[Signature] (SEAL)
Principal
President
Title

FIDELITY AND DEPOSIT COMPANY OF MARYLAND
Surety

[Signature]
Witness

By [Signature] (SEAL)
N. RICHARD BOERGER Title
ATTORNEY-IN-FACT

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE: BALTIMORE, MD

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by C. M. PECOT, JR., Vice-President, and C. W. ROBBINS, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint N. Richard Boerger, Ronald L. Wightman and Marc Cook, Jr., all of Fort Wayne, Indiana, EACH.....

its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings.....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of N. Richard Boerger, et al, dated, June 9, 1986.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 16th day of November, A.D. 1987

ATTEST:



FIDELITY AND DEPOSIT COMPANY OF MARYLAND

C. W. Robbins
Assistant Secretary

By

Marc Cook, Jr.
Vice-President

STATE OF MARYLAND
CITY OF BALTIMORE

ss:

On this 16th day of November, A.D. 1987, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, the day and year first above written.



Bay P. Faler
Notary Public Commission Expires July 1, 1990

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 16th day of July, 1969.

RESOLVED: "That the facsimile or mechanically reproduced signature of any Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 31st day of January, 1991.

044-2974

Christopher T. Haddock
Assistant Secretary

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: January 31, 1991
 1. Governmental Unit: Department of Purchasing City of Fort Wayne
 2. County: Allen
 3. Bidder (Firm): Brooks Construction Co., Inc.
 Address: PO BOX 9560 6525 Ardmore Avenue
 City/State: Fort Wayne, Indiana 46899
 4. Telephone Number: 219-478-1990
 5. Agent of Bidder (if applicable): _____

Pursuant to notices given, the undersigned offers bid(s) to Dept. of Purchasing (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

[Signature]
Signature of Bidder or Agent

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount
SEE ATTACHED BID SHEET					

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
Allen) SS:
 COUNTY)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

Brooks Construction Co., Inc.
 Bidder (Firm)

[Signature]
Signature of Bidder or Agent

Subscribed and sworn to before me this 31st day of January 19 91

My Commission Expires: 3-22-91

County of Residence: Whitley

[Signature]
Notary Public

Sara R. Boardman
Notary Public Printed Name

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of Dept. of Purchasing (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered see 997 and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Contracting Authority Members:

Date: _____

CITY OF FORT WAYNE
BINDER & SURFACE TOP REQUIREMENTS

THE CITY OF FORT WAYNE, INDIANA, IS REQUESTING BIDS FOR THE PURCHASE OF BINDER AND SURFACE TOPPING FOR THE DEPARTMENT OF WATER MAINTENANCE & SERVICE.

PRICES BID MUST BE EXACT AND HELD FIRM THROUGH THE TERM OF THE AGREEMENT. THERE SHALL BE NO ADDITIONAL CHARGES FOR DELIVERY, HANDLING OR ANY OTHER MISC FEES.

THE ANNUAL REQUIREMENTS FOR THESE MATERIALS ARE ESTIMATED AT 1500 TONS. ACTUAL QUANTITIES PURCHASED MAY BE MORE OR LESS.

TERM OF AGREEMENT: FROM TIME OF AWARD THRU 12-31-91

ITEM	PRICE PER TON
#5 BASE BINDER	\$ 16.00
#9 BINDER	\$ 16.50
B MIX TOPPING	\$ 17.50
12 SURFACE TOPPING	\$ 18.00

Read the first time in full and on motion by Burns
seconded by Redd, and duly adopted, read the second time
title and referred to the Committee on City of Fort Wayne (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Conference Room 128, City-County Building
Fort Wayne, Indiana, on _____, 19____, at _____ o'clock _____ M., E.S.

DATED: 2-26-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Burns
seconded by Redd, and duly adopted, placed on its
passage. ~~PASSED~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS.				
GIAQUINTA	<u>✓</u>			<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 3-12-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. S-65-91
on the 12th day of March, 1991,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

Samuel I. Talarico SEAL
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 13th day of March, 1991
at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 18th day of March
1991, at the hour of 8:45 o'clock A. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

91-02-37

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Ref. No. 997 for the purchase of binder and surface topping for the Water Maint. & Service Department for 1991. The cost reflects the lowest and most responsive of three (3) vendors.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED:

EFFECT OF PASSAGE: This material is used in the restoration of street cuts.

IF REPLACEMENT, WHAT NECESSITATES:

EFFECT OF NON-PASSAGE: We would not be able to repair cuts in asphalt streets. This would leave streets bumpy and unsightly.

PRIOR APPROVAL REQUESTED:

MONIES INVOLVED: Brooks Const \$10,000.00 +/-

PRICE AGREEMENT: Yes

PURCHASE ORDER:

ACCOUNT INFORMATION: W M & S 513-522-M673-4272

PRIOR APPROVAL:
(IF APPLICABLE)

DATE:

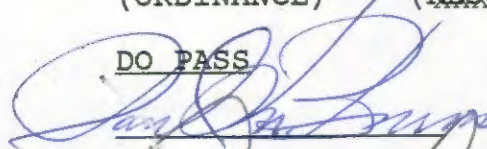
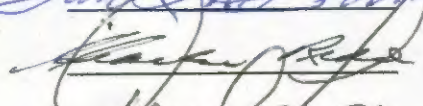
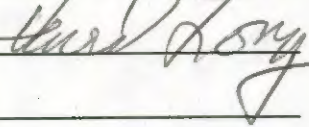
BILL NO. S-91-02-37

REPORT OF THE COMMITTEE ON CITY UTILITIES

PAUL M. BURNS, CHAIRMAN
CHARLES B. REDD, VICE CHAIRMAN
EDMONDS, LONG, SCHMIDT

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving the awarding
of Reference #997 by the City of Fort Wayne, Indiana, by and
through its Department of Purchasing and BROOKS CONSTRUCTION CO.,
INC., for the Water Maintenance & Service Department

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
			
			
			

DATED: 3-12-91

Sandra E. Kennedy
City Clerk